IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 31ST OCTOBER 2007 / 9TH KARTHIKA 1929

Bail Appl..No. 6613 of 2007()

CMP.4618/2007 of J.M.F.C.-I,HOSDRUG
CRIME NO.463/07 OF HOSODURG POLICE STATION

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PETITIONER :

T.N.RIYAS,S/O.ASSAINAR,AGED 24 YEARS,
PERIYATTUDUKKAM,PALLIKKARA VILLAGE.(UNDER CUSTODY)

BY ADV. SRI.M.RAMESH CHANDER

RESPONDENTS:

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1. STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA,ERNAKULAM.

2. STATION HOUSE OFFICER,HOSDURG POLICE STATION.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 31/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 6613 OF 2007

Dated this the 31st day of October, 2007

ORDER

Application for regular bail. The petitioner is the 2nd accused. Altogether, there are three accused persons. All the accused have by now been arrested. Investigation is in progress. The alleged incident took place on 1/8/07. The petitioner was arrested on 3/10/07. The crux of the allegations against the accused persons is that they trespassed into the house of the de facto complainant, inflicted injury on the de facto complainant with a dangerous weapon and snatched a gold chain worn by the wife of the injured at about 3.40 a.m. on 1/8/07. Investigation is in progress. The petitioner continues in custody from 3/10/07.

2. The learned counsel for the petitioner prays that the petitioner may now be enlarged on bail. He points out that

there is no overt act attributed against the petitioner.

3. The learned Public Prosecutor opposes the application. The learned Public Prosecutor submits that the allegations are serious. The petitioner has a questionable history of criminal antecedents. He is involved in 11 other similar crimes. Considering the nature of the actions in collusion and concert by the three accused persons, it would be puerile to look for specific overt acts to make any inferences about the nature and gravity of culpability.

4. I find merit in the opposition by the learned Public Prosecutor. I am not at all satisfied that the petitioner deserves to be enlarged on bail at this early stage.

5. This petition is accordingly dismissed. But I may hasten to observe that the petitioner shall be at liberty to move this Court for bail again at a later stage of the investigation – not, at any rate, prior to 14/11/07.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge